

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JON LANFORD,)	
)	
Plaintiff)	
)	
v.)	Civil No. 98-235-B
)	
U-HAUL CO. OF MAINE, INC.)	
and)	
U-HAUL INTERNATIONAL, INC.)	
)	
Defendants)	

Order on Plaintiff's Motion to Compel

Plaintiff filed this motion, with permission from the Court, to resolve a discovery dispute with Defendant, U-Haul Co. of Maine (UHCM). The dispute centers around the depositions of three witnesses: Paul Smedberg, President of UHCM; Robert Collocola, current UHCM area field manager; and Shawn Bell, a former manager at the Augusta U-Haul center. At each of the depositions Plaintiff asked the deponent about his participation in the internal investigation conducted by U-Haul International's (UHI) human resources department after Plaintiff filed a complaint with the Maine Human Rights Commission. UHCM's counsel instructed the witnesses not to answer the questions posed by Plaintiff citing attorney-client privilege and work product privilege.

Upon reviewing the motion and the deposition transcripts the Court GRANTS Plaintiff's motion in part and ORDERS:

1. That the depositions be re-opened via telephone. Plaintiff is minimally entitled to information such as the names and occupations of those persons who contacted the deponents and the dates the investigators contacted the deponents.¹ As Plaintiff points out, this information is needed for Plaintiff, and for that matter the Court, to determine whether the attorney-client privilege or work product privilege applies in this case. Of course, Plaintiff may make further inquiries subject to UHMC's objections.

2. That once the depositions are completed, the parties shall indicate if a dispute still exists regarding the privileges asserted by UHCM. If a dispute continues to exist, the parties shall provide a copy of the re-opened deposition transcripts with the Court so that the Court may determine whether the privileges asserted by UHCM apply in this case.

Waiver

Plaintiff argues that UHCM cannot assert attorney-client privilege or work product privilege because it has always stated that UHI is a separate entity from

¹ The two specific examples given above are by no means meant to be an exhaustive list of the types of non-privileged information Plaintiff may inquire into.

UHCM. The Court disagrees. As UHCM points out, it has a contractual relationship with UHI to provide services to UHCM, including legal services. During the investigation UHI's legal department represented UHCM's legal interests and UHCM, like a client, may assert the attorney-client privilege or work product privilege here.

SO ORDERED.

Eugene W. Beaulieu
U.S. Magistrate Judge

Dated on: November 30, 1999